

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 551** - By Traeger: Extending welcome to Junior and Senior government classes of Asherton High School.

**S.R. 552** - By Brown: Extending welcome to students from Alvin High School.

**S.R. 554** - By Wilson: Extending welcome to Bastrop County Extension Homemakers.

**S.R. 555** - By Glasgow: Extending welcome to seniors from Granbury High School.

**S.R. 556** - By Ogg: Extending welcome to students from Paul Revere Middle School.

**S.R. 557** - By Andujar: Commending Mr. and Mrs. James L. West for their bequest to Wesleyan College.

**ADJOURNMENT**

On motion of Senator Brooks the Senate at 10:42 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

**SIXTIETH DAY**  
(Wednesday, April 29, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

A quorum was announced present.

Senator J. E. "Buster" Brown, offered the invocation as follows:

Our Dear Heavenly Father, we are grateful for the opportunity and the blessing of being able to gather in this meeting today. Be with each one of those that have come here today in their various capacities. Help those who are elected by the people to guide and direct legislation, being ever mindful of the fact that this legislation will affect real people.

Be with all of us in these days, and in this particular time and season in Austin when the days grow long and the nights grow short, and help us to remember that what we're doing will affect not only those people today, but all of us for the rest of our lives.

And help us keep Thy word and Thy rules in our minds as we make these decisions, Dear Lord. In His Name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### **REPORTS OF STANDING COMMITTEES**

Senator Blake submitted the following report for the Committee on Administration:

**S.C.R. 93**  
**S.C.R. 97**

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

**H.B. 268**  
**S.B. 1142 (Amended)**  
**S.B. 1141**  
**S.B. 718**  
**S.B. 1165**  
**S.B. 964 (Amended)**  
**H.B. 803**  
**H.B. 1139**  
**S.B. 1168**  
**C.S.S.B. 1159 (Read first time)**  
**C.S.S.B. 1106 (Read first time)**  
**C.S.S.B. 1119 (Read first time)**

Senator Snelson submitted the following report for the Committee on Education:

**H.B. 1182**  
**C.S.S.B. 341 (Read first time)**

Senator McKnight submitted the following report for the Subcommittee on Nominations:

We, your Subcommittee on Nominations, to which were referred the following appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be a Member of the BOARD OF REGENTS - STEPHEN F. AUSTIN STATE UNIVERSITY: Ted Bowen, Harris County.

To be a Member of the TEXAS BOARD OF CORRECTIONS: Robert D. Gunn, Wichita County.

To be Members of the TEXAS HISTORICAL COMMISSION: Mrs. John B. (Nellie) Connally, Harris County; Duncan Boeckman, Dallas County.

To be a Member of the TEXAS HEALTH FACILITIES COMMISSION: Ms. Betty Himmelblau, Travis County.

To be Members of the TEXAS BOARD OF HEALTH: Mrs. Johnnie M. Benson, Tarrant County; Ben M. Durr, Denton County.

To be Members of the BOARD OF DIRECTORS - BRAZOS RIVER AUTHORITY: Roland Adamson, Fort Bend County; James C. Atkins, Jr., Brazoria County; Alfred L. Brooks, Jr., Austin County.

To be JUDGE OF THE 284TH JUDICIAL DISTRICT: Olen Underwood, Montgomery County.

To be JUDGE OF THE 286TH JUDICIAL DISTRICT: Frank B. Kiser, Jr., Hockley County.

To be DISTRICT ATTORNEY OF THE 287TH JUDICIAL DISTRICT: Johnny Actkinson, Parker County.

To be CHIEF JUSTICE OF THE 7TH COURT OF CIVIL APPEALS: Charles L. Reynolds, Potter County.

To be ASSOCIATE JUSTICE OF THE 7TH COURT OF CIVIL APPEALS: Richard N. Countiss, Hansford County.

To be JUDGE OF THE 84TH JUDICIAL DISTRICT: Juan Ennis Blackburn, Hansford County.

To be JUDGE OF THE 155TH JUDICIAL DISTRICT: Oliver S. Kitzman, Waller County.

To be DISTRICT ATTORNEY FOR THE 155TH JUDICIAL DISTRICT: Charles David Houston, Austin County.

To be ASSOCIATE JUSTICE OF THE COURT OF CIVIL APPEALS FOR THE 14TH SUPREME JUDICIAL DISTRICT: William E. Junell, Harris County.

To be DISTRICT ATTORNEY OF HARRIS COUNTY: John B. Holmes, Jr., Harris County.

To be JUDGE OF THE 314TH FAMILY DISTRICT COURT: Robert B. Baum, Harris County.

To be JUDGE OF THE 302ND JUDICIAL DISTRICT: John H. Whittington, Jr., Dallas County.

To be CRIMINAL DISTRICT ATTORNEY OF JASPER COUNTY: Guy James Gray, Jr., Jasper County.

To be JUDGE OF THE 91ST JUDICIAL DISTRICT: Jim R. Wright, Eastland County.

To be DISTRICT ATTORNEY OF THE 259TH JUDICIAL DISTRICT: Jack Gordon Willingham, Jones County.

To be JUDGE OF THE 95TH JUDICIAL DISTRICT: A. Joe Fish, Dallas County.

To be JUDGE OF THE 128TH JUDICIAL DISTRICT: Patrick A. Clark, Orange County.

To be DISTRICT ATTORNEY OF THE 90TH JUDICIAL DISTRICT: Robert W. Hedrick, Young County.

To be JUDGE OF THE 309TH FAMILY DISTRICT COURT: Alvin Louis Zimmerman, Harris County.

To be DISTRICT ATTORNEY OF THE 66TH JUDICIAL DISTRICT: Dan V. Dent, Hill County.

To be CRIMINAL DISTRICT ATTORNEY OF THE 24TH JUDICIAL DISTRICT: Dan W. Heard, Calhoun County.

To be DISTRICT ATTORNEY FOR THE 12TH JUDICIAL DISTRICT: Latham Boone III, Grimes County.

To be JUDGE OF THE 54TH JUDICIAL DISTRICT: Walter S. Smith, Jr., McLennan County.

To be JUDGE OF THE 168TH JUDICIAL DISTRICT: Ward L. Koehler, El Paso County.

To be JUDGE OF THE 189TH JUDICIAL DISTRICT: Lynn N. Hughes, Harris County.

To be JUDGE OF THE 86TH JUDICIAL DISTRICT: Glen M. Ashworth, Kaufman County.

To be JUDGE OF THE 107TH JUDICIAL DISTRICT: Melchor Chavez, Cameron County.

To be JUDGE OF THE 220TH JUDICIAL DISTRICT: Floyd R. Wilson, Bosque County.

To be JUDGE OF THE 94TH JUDICIAL DISTRICT: David Diaz, Nueces County.

To be JUDGE OF THE 180TH JUDICIAL DISTRICT: Patricia R. Lykos, Harris County.

To be CRIMINAL DISTRICT ATTORNEY OF GREGG COUNTY: Robert Riter Foster, Gregg County.

To be CRIMINAL DISTRICT ATTORNEY OF KAUFMAN COUNTY: Louis William Conradt, Jr., Kaufman County.

To be a Member of the TEXAS JUDICIAL COUNCIL: Paul C. Murphy III, Walker County.

To be a Member of the TEXAS SURPLUS PROPERTY AGENCY: William C. English, Kleberg County.

To be a Member of the TEXAS AMUSEMENT MACHINE COMMISSION: Jose M. Blanco, Jr., Wharton County.

To be a Member of the FAMILY FARM ADVISORY COUNCIL: Jack H. Barton, Harris County.

To be a Member of the BOARD OF REGENTS - TEXAS SOUTHERN UNIVERSITY: Joseph H. Blades (deceased), Harris County.

To be JUDGE OF THE 287TH JUDICIAL DISTRICT: Jack D. Young,  
Bailey County.

To be JUDGE OF THE 104TH JUDICIAL DISTRICT: Billy John Edwards, Taylor County.

## SENATE BILLS ON FIRST READING

On motion of Senator Mauzy and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 1243 by Mauzy** Economic Development  
Relating to mandatory workers' compensation coverage insurance and the rates  
for that insurance.

**S.B. 1244** by Brooks Human Resources  
Relating to the authorization of the manufacture, distribution, sale, and use of  
procaine hydrochloride (Gerovital H ).

## HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 1100, To Committee on Intergovernmental Relations.  
H.B. 21, To Committee on Jurisprudence.  
H.B. 213, To Committee on Economic Development.  
H.B. 228, To Committee on State Affairs.  
H.B. 345, To Committee on Human Resources.  
H.B. 517, To Committee on Intergovernmental Relations.  
H.B. 729, To Committee on Jurisprudence.  
H.B. 730, To Committee on Jurisprudence.  
H.B. 796, To Committee on Human Resources.  
H.B. 912, To Committee on Jurisprudence.  
H.B. 1351, To Committee on Education.  
H.B. 1368, To Committee on State Affairs.  
H.B. 1399, To Committee on Economic Development.  
H.B. 1435, To Committee on Natural Resources.  
H.B. 1459, To Committee on Jurisprudence.  
H.B. 1500, To Committee on Education.  
H.B. 1565, To Committee on Education.  
H.B. 1685, To Committee on Human Resources.  
H.B. 1743, To Committee on Jurisprudence.  
H.B. 2090, To Committee on State Affairs.  
H.B. 2278, To Committee on Human Resources.

**BILLS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

**S.B. 50**

**S.B. 322** (Signed subject to Sec. 49a,  
Art. III, Constitution of  
State of Texas)

**S.B. 758**

**NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator McKnight gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**SENATE BILL 14 WITH HOUSE AMENDMENT**

Senator Doggett called **S.B. 14** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Eikenburg

Substitute the following for **S.B. 14**:

**A BILL TO BE ENTITLED  
AN ACT**

relating to parking privileges for the disabled; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 1, 2, 3, 4, 5, 6, and 10, Chapter 338, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 6675a-5e.1, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 1. (a) The State ~~[Highway]~~ Department of Highways and Public Transportation shall provide for the issuance of specially designed symbols, tabs, or other devices to be attached to the license plates of motor vehicles regularly operated by or for the transportation of permanently disabled persons. Such devices shall be of a design prescribed by the department and shall have the word "Disabled" printed thereon. They shall be issued in addition to regular license plates in years in which license plates are issued or as the legal registration insignia in years in which license plates are not issued.

(b) In addition, the department shall provide identification cards for issuance to temporarily disabled persons. These cards shall be of a design prescribed by the department. Cards issued to temporarily disabled persons become invalid after a definite time to be determined by the department.

Sec. 2. (a) A person is ~~["permanently"]~~ disabled who ~~["if he"]~~ has mobility problems that substantially impair the person's ability to ambulate, or who is legally blind. In this Act, "legally blind" means having not more than 20/200 of visual acuity in the better eye with correcting lenses, or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees ~~[lost,~~

~~or lost the use of, both legs or is so severely disabled as to be unable to ambulate without the aid of a wheelchair or other mechanical device].~~

(b) Owners of motor vehicles regularly operated by or for the transportation of such persons may make application to the department through the county tax collector of the county in which they reside for the special symbol, tab, or other device on a form prescribed and furnished by the department. The first such application must be accompanied by acceptable medical proof that the operator or regularly transported passenger is currently and permanently disabled.

(c) A temporarily disabled person may apply for an identification card to the department through the county tax collector of the county in which the person resides on a form prescribed and furnished by the department. The application of each temporarily disabled person must be accompanied by medical proof acceptable to the department that the applicant is currently disabled.

Sec. 3. An application for a symbol, tab, or other device [Such applications] shall be submitted to the county tax collector of the vehicle owner's resident county and shall be accompanied by the annual registration fee prescribed by law for the particular vehicle being registered plus \$1. Applications for temporarily disabled person identification cards shall be submitted to the county tax collector of the disabled person's county and shall be accompanied by \$5. The county tax collector shall forward the fees [\$1 fee] to the department [State Highway Department] for deposit in the State Highway Fund to defray the cost of providing the specially designed symbols, tabs, or other devices and identification cards.

Sec. 4. The special [Only one such set of] devices shall be issued only for [a] passenger vehicles and light commercial vehicles having a manufacturer's rated carrying capacity of one ton or less [vehicle] operated by or for the transportation of [a] permanently disabled persons [person] for noncommercial use.

Sec. 5. (a) The [State Highway] department shall furnish the special devices and identification cards to the appropriate county tax assessor-collector.

(b) The department shall design for posting at each parking space or area designated specifically for the temporarily or permanently disabled a nonmovable sign that:

- (1) has a notice of the penalty for a violation of Section 10 of this Act;
- (2) is permanently mounted on a pole at least five feet in height; and
- (3) has a profile view of a wheelchair with an occupant in white on a blue background.

(c) The department shall provide at cost a design and stencil for use by political subdivisions or persons who own or control property used for parking to designate parking spaces as provided by Section 6A of this Act.

Sec. 6. (a) Any vehicle upon which such special devices are displayed or in which a temporarily disabled person identification card is placed in the lower left-hand side of the front windshield, when being operated by or for the transportation of a [permanently] disabled person, shall be allowed to park for unlimited periods in any parking space or parking area designated specifically for the physically handicapped.

(b) The owner of a vehicle on which the special devices are displayed or in which a temporarily disabled person identification card is placed in the lower left-hand side of the front windshield is exempt from the payment of fees or penalties imposed by a governmental authority for parking at a meter or in a space with a limitation on the length of time for parking, unless the vehicle was not parked at the time by or for the transportation of a [permanently] disabled

person. This exemption does not apply to fees or penalties imposed by a branch of the United States government. This section does not permit parking a vehicle at a place or time that parking is prohibited.

Sec. 10. (a) A person commits an offense if the person is neither ~~not~~ temporarily or permanently disabled nor ~~or not~~ transporting a temporarily or permanently disabled person and ~~who~~ parks a vehicle with such special device or displaying a temporarily disabled person identification card in any parking space or parking area designated specifically for the disabled ~~[physically handicapped shall be guilty of a Class C misdemeanor]~~.

(b) A person commits an offense if the person parks a vehicle neither displaying the special device nor displaying a temporarily disabled person identification card in a parking space or parking area designated specifically for the disabled.

(c) A person commits an offense if the person parks a vehicle so that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled.

(d) An offense under this section is punishable by a fine of not less than \$50 nor more than \$200.

SECTION 2. Chapter 338, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 6675a-5e.1, Vernon's Texas Civil Statutes), is amended by adding Sections 6A and 6B to read as follows:

Sec. 6A. (a) A political subdivision or a person who owns or controls property used for parking may designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting temporarily or permanently disabled persons. The political subdivision or person designates the space by posting in a conspicuous place a sign that conforms with the design and posting requirements of Section 5 of this Act. A political subdivision or private property owner may not designate a parking space or area specifically for the temporarily or permanently disabled unless a sign that conforms with the design and posting requirements is posted. A political subdivision may not require a private property owner or a person who controls property used for parking to designate a parking space or area for the exclusive use of vehicles transporting temporarily or permanently disabled persons.

(b) A peace officer may file charges against a person who commits an offense under this Act at a parking space or a parking area designated specifically for the temporarily or permanently disabled by a political subdivision or a private property owner as provided by Subsection (a) of this section.

Sec. 6B. A political subdivision shall post a sign that conforms with the design and posting requirements of Section 5 of this Act at each access or curb ramp designed for the use of temporarily or permanently disabled persons on a public street under the jurisdiction of the political subdivision.

SECTION 3. This Act takes effect September 1, 1981, and applies to offenses committed on or after that date. An offense committed before the effective date of this Act is subject to disposition under Chapter 338, Acts of the 64th Legislature, 1975 (Article 6675a-5e.1, Vernon's Texas Civil Statutes), as it existed on the date the offense was committed, and that law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.



The amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

#### SENATE BILL 9 WITH HOUSE AMENDMENT

Senator Brooks called S.B. 9 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 - Brookshire

Page 1 of SB.9.

Line 10, after "in excess of", insert:

Sixty per cent (60%) of its four primary capital accounts

Line 10, strike, fifty per cent (50%) of its capital and certified surplus

Line 12, strike, nor an amount in excess of fifteen per cent (15%) of its capital and certified surplus in its

Line 14, before "furniture", insert and

Page 2 of S.B. 9

Line 2, strike "not"

Line 27, add "and" after "chapter;"

Page 3 of SB.9.

Line 1, strike "(2) not depreciate the land"

Line 2, Renumber (3) to (2)

Line 22, after "of", insert sixty percent (60%) of its four primary capital accounts and strike "fifty percent (50%) of its capital and certified surplus"

Line 23, before "under" insert furniture and fixtures.

The amendment was read.

Senator Brooks moved to concur in the House amendment.

The motion prevailed.

#### SENATE BILL 538 WITH HOUSE AMENDMENT

Senator Santiesteban called S.B. 538 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Madla

Amend S.B. 538 as follows:

On page 6 strike lines 15 - 18.

The amendment was read.

Senator Santiesteban moved to concur in the House amendment.

The motion prevailed.

#### SENATE BILL 424 WITH HOUSE AMENDMENTS

Senator Santiesteban called S.B. 424 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### Committee Amendment No. 1 - Grubbs

Amend the third paragraph of Section 3, Article 4419c, Vernon's Texas Civil Statutes, 1945, as amended, SECTION 2, S.B. 424, by striking that paragraph in its entirety and inserting in lieu thereof the following:

"The State Department of Health is directed to provide in Rules and Regulations, the necessary details of the conduct of this work, in accordance with the purposes of this Act, which shall permit as far as possible, the free choice of patients in their selections of ~~(physicians and hospitals)~~ hospitals and licensed physicians and dentists, and shall arrange with hospitals, ~~brace~~ departments and other services providing for crippled children's work and children who have cancer, compensation for such services, provided that such fees or charges shall not exceed the average charges for the same service rendered to patients in the hospitals approved for purposes of this Act."

#### Committee Amendment No. 2 - Grubbs

Amend S.B. 424 by adding a new Section 2 to read as follows and by renumbering the succeeding sections in sequence from Section 3 to Section 5:

SECTION 2. Article 4419c, Vernon's Texas Civil Statutes, 1945, as amended, is amended to add Section 1B to read as follows:

Sec. 1B. Nothing in this Act may be interpreted in a manner which would preclude the approval of a qualified dentist who is licensed to practice in Texas to deliver services as the primary provider within the area of his expertise, to eligible recipients who have conditions which are covered by the program.

The amendments were read.

Senator Santiesteban moved to concur in the House amendments.

The motion prevailed.

#### CONFERENCE COMMITTEE REPORT SENATE BILL 306

Austin, Texas  
April 29, 1981

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 306 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SARPALIUS  
GLASGOW  
MENGDEN  
HOWARD  
On the part of the Senate

KELLER  
ALLEE  
COLEMAN  
GREEN  
On the part of the House

**CONFERENCE COMMITTEE REPORT  
SENATE BILL 306**

**A BILL TO BE ENTITLED  
AN ACT**

relating to alcoholic beverage regulations relating to age; amending the Alcoholic Beverage Code, as amended, by amending Subsection (a) of Section 11.46, Sections 39.31 and 40.05, Subsection (a) of Section 61.42, Subsection (a) of Section 61.71, Subsection (a) of Section 61.74, Subsections (c) and (d) of Section 71.03, Section 106.01, Subsection (b) of Section 106.03, Subsection (a) of Section 106.07, Subsections (a) and (c) of Section 106.09, Subsection (a) of 106.12, Subsection (a) of Section 107.07, and Section 109.53; and amending Chapter 626, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5923b, Vernon's Texas Civil Statutes).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 11.46, Alcoholic Beverage Code, as amended, is amended to read as follows:

“(a) The commission or administrator may refuse to issue an original or renewal permit with or without a hearing if it has reasonable grounds to believe and finds that any of the following circumstances exists:

“(1) the applicant has been convicted in a court of competent jurisdiction of the violation of any provision of this code during the two years immediately preceding the filing of his application;

“(2) three years have not elapsed since the termination, by pardon or otherwise, of a sentence imposed on the applicant for the conviction of a felony;

“(3) within the six-month period immediately preceding his application the applicant violated or caused to be violated a provision of this code or a rule or regulation of the commission which involves moral turpitude, as distinguished from a technical violation of this code or of the rule;

“(4) the applicant failed to answer or falsely or incorrectly answered a question in an original or renewal application;

"(5) the applicant is indebted to the state for any taxes, fees, or payment of penalty imposed by this code or by rule of the commission;

"(6) the applicant is not of good moral character or his reputation for being a peaceable, law-abiding citizen in the community where he resides is bad;

"(7) the applicant is less than 19 [18] years of age;

"(8) the place or manner in which the applicant may conduct his business warrants the refusal of a permit based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency;

"(9) the applicant is in the habit of using alcoholic beverages to excess or is physically or mentally incapacitated;

"(10) the applicant will sell liquor unlawfully in a dry area or in a manner contrary to law or will knowingly permit an agent, servant, or employee to do so;

"(11) the applicant is not a United States citizen or has not been a citizen of Texas for a period of three years immediately preceding the filing of his application, unless he was issued a permit or renewal permit on or before September 1, 1948, and has at some time been a United States citizen;

"(12) the applicant does not have an adequate building available at the address for which the permit is sought;

"(13) the applicant is residentially domiciled with a person whose permit or license has been cancelled for cause within the 12 months immediately preceding the date of his present application;

"(14) the applicant has failed or refused to furnish a true copy of his application to the commission's district office in the district in which the premises for which the permit is sought are located; or

"(15) during the six months immediately preceding the filing of the application the premises for which the permit is sought have been operated, used, or frequented for a purpose or in a manner that is lewd, immoral, or offensive to public decency."

SECTION 2. Section 39.31, Alcoholic Beverage Code, is amended to read as follows:

"Section 39.31. SALES TO MINORS. No holder of a medicinal permit or any of his agents or employees may sell or dispense any liquor to a person under 19 [18] years of age unless that minor presents with his prescription the written consent of his parent or guardian. The person making the sale shall file the written consent with the prescription."

SECTION 3. Section 40.05, Alcoholic Beverage Code, is amended to read as follows:

"Section 40.05. PROHIBITED ACTIVITIES. No physician may:

"(1) prescribe liquor for any purpose unless he holds a physician's permit;

"(2) prescribe liquor for other than medicinal purposes;

"(3) issue prescriptions for liquor to any person without first making a physical examination of the patient to determine the disease or ailment afflicting him;

"(4) issue a prescription which does not contain all the information required by this chapter written in the English language;

"(5) accept any sort of compensation or guarantee as to income or material benefit from a holder of a medicinal permit for writing a prescription;

"(6) prescribe more than one pint of liquor for a person in any one day;

"(7) prescribe liquor for any person showing evidence of intoxication;

"(8) prescribe liquor for any person under any name other than the true name of the person for whom the liquor is intended;

"(9) prescribe liquor for any person under the age of 19 [18] years unless he has the written consent of the person's parent or guardian;

"(10) issue more than 100 prescriptions for liquor in any period of 90 days, beginning from the date designated by the physician in any order for prescription forms placed with the commission;

"(11) fail or refuse to make and keep for a period of two years any record of prescriptions issued for liquor as required by the commission;

"(12) fail to make reports required by the commission; or

"(13) fail to divulge information or produce records of the issuance of prescriptions when requested to do so by a representative of the commission or by any peace officer or any county or district attorney."

SECTION 4. Subsection (a), Section 61.42, Alcoholic Beverage Code, as amended, is amended to read as follows:

"(a) The county judge shall refuse to approve an application for a license as a distributor or retailer if he has reasonable grounds to believe and finds that:

"(1) the applicant is under 19 [18] years of age;

"(2) the applicant is indebted to the state for any taxes, fees, or penalties imposed by this code or by rule of the commission;

"(3) the place or manner in which the applicant for a retail dealer's license may conduct his business warrants a refusal of a license based on the general welfare, health, peace, morals, safety, and sense of decency of the people;

"(4) the applicant is in the habit of using alcoholic beverages to excess or is mentally or physically incompetent;

"(5) the applicant is not a United States citizen or has not been a citizen of Texas for a period of three years immediately preceding the filing of his application, unless he was issued an original or renewal license on or before September 1, 1948;

"(6) the applicant was finally convicted of a felony during the two years immediately preceding the filing of his application;

"(7) the applicant is not of good moral character or his reputation for being a peaceable, law-abiding citizen in the community where he resides is bad; or

"(8) as to a corporation, it is not incorporated under the laws of this state, or at least 51 percent of the corporate stock is not owned at all times by persons who individually are qualified to obtain a license, except that this subdivision does not apply to a holder of any renewal of a distributor's license which was in effect on January 1, 1953, or to an applicant for a beer retailer's on-premise license for a railway car."

SECTION 5. Subsection (a), Section 61.71, Alcoholic Beverage Code, is amended to read as follows:

"(a) The commission or administrator may suspend for not more than 60 days or cancel an original or renewal retail dealer's on- or off-premise license if it is found, after notice and hearing, that the licensee:

"(1) violated a provision of this code or a rule of the commission during the existence of the license sought to be cancelled or suspended or during the immediately preceding license period;

"(2) was finally convicted for violating a penal provision of this code;

"(3) was finally convicted of a felony while holding an original or renewal license;

"(4) made a false statement or a misrepresentation in his original application or a renewal application;

"(5) knowingly sold, served, or delivered beer to a person under 19 [18] years of age;

"(6) sold, served, or delivered beer to a person showing evidence of intoxication;

- "(7) sold, served, or delivered beer at a time when its sale is prohibited;
- "(8) entered or offered to enter an agreement, condition, or system which would constitute the sale or possession of alcoholic beverages on consignment;
- "(9) possessed on the licensed premises, or on adjacent premises directly or indirectly under his control, an alcoholic beverage not authorized to be sold on the licensed premises, or permitted an agent, servant, or employee to do so, except as permitted by Section 22.06, 24.05, or 102.05 of this code;
- "(10) does not have at his licensed premises running water, if it is available, and separate toilets for both sexes which are properly identified;
- "(11) permitted a person on the licensed premises to engage in conduct which is lewd, immoral, or offensive to public decency;
- "(12) employed a person under 18 years of age to sell, handle, or dispense beer, or to assist in doing so, in an establishment where beer is sold for on-premises consumption;
- "(13) conspired with a person to violate Section 101.41-101.43, 101.68, 102.11-102.15, 104.04, 108.01, or 108.04-108.06 of this code, or a rule promulgated under Section 5.40 of this code, or accepted a benefit from an act prohibited by any of those sections or rules;
- "(14) refused to permit or interfered with an inspection of the licensed premises by an authorized representative of the commission or a peace officer;
- "(15) permitted the use or display of his license in the conduct of a business for the benefit of a person not authorized by law to have an interest in the license;
- "(16) maintained blinds or barriers at his place of business in violation of this code;
- "(17) conducted his business in a place or manner which warrants the cancellation or suspension of the license based on the general welfare, health, peace, morals, safety, and sense of decency of the people;
- "(18) consumed an alcoholic beverage or permitted one to be consumed on the licensed premises at a time when the consumption of alcoholic beverages is prohibited by this code;
- "(19) purchased beer for the purpose of resale from a person other than the holder of a manufacturer's or distributor's license;
- "(20) acquired an alcoholic beverage for the purpose of resale from another retail dealer of alcoholic beverages;
- "(21) owned an interest of any kind in the business or premises of the holder of a distributor's license;
- "(22) purchased, sold, offered for sale, distributed, or delivered an alcoholic beverage, or consumed an alcoholic beverage or permitted one to be consumed on the licensed premises while his license was under suspension;
- "(23) purchased, possessed, stored, sold, or offered for sale beer in or from an original package bearing a brand or trade name of a manufacturer other than the brand or trade name shown on the container;
- "(24) habitually uses alcoholic beverages to excess, is mentally incompetent, or is physically unable to manage his establishment;
- "(25) imported beer into this state except as authorized by Section 107.07 of this code;
- "(26) occupied premises in which the holder of a manufacturer's or distributor's license had an interest of any kind;
- "(27) knowingly permitted a person who had an interest in a permit or license which was cancelled for cause to sell, handle, or assist in selling or handling alcoholic beverages on the licensed premises within one year after the cancellation;

"(28) was financially interested in a place of business engaged in the selling of distilled spirits or permitted a person having an interest in that type of business to have a financial interest in the business authorized by his license, except as permitted by Section 22.06, 24.05, or 102.05 of this code;

"(29) is residentially domiciled with or related to a person engaged in selling distilled spirits, except as permitted by Section 22.06, 24.05, or 102.05 of this code, so that there is a community of interests which the commission or administrator finds contrary to the purposes of this code; or

"(30) is residentially domiciled with or related to a person whose license has been cancelled within the preceding 12 months so that there is a community of interests which the commission or administrator finds contrary to the purposes of this code."

SECTION 6. Subsection (a), Section 61.74, Alcoholic Beverage Code, as amended, is amended to read as follows:

"(a) The commission or administrator may suspend for not more than 60 days or cancel an original or renewal general, local, or branch distributor's license if it is found, after notice and hearing, that the licensee:

"(1) violated a provision of this code or a rule of the commission during the existence of the license sought to be cancelled or suspended or during the immediately preceding license period;

"(2) was finally convicted for violating a penal provision of this code;

"(3) was finally convicted of a felony while holding an original or renewal license;

"(4) violated Section 101.41-101.43, 101.68, 102.11-102.15, 104.04, 108.01, or 108.04-108.06 of this code, or a rule or regulation promulgated under Section 5.40 of this code;

"(5) failed to comply with a requirement of the commission relating to the keeping of records or making of reports;

"(6) failed to pay any tax due the state on any beer he sold, stored, or transported;

"(7) refused to permit or interfered with an inspection of his licensed premises, vehicles, books, or records by an authorized representative of the commission;

"(8) consummated a sale of beer outside the county or counties in which he was authorized to sell beer by his license;

"(9) purchased, sold, offered for sale, distributed, or delivered beer while his license was under suspension;

"(10) permitted the use of his license in the operation of a business conducted for the benefit of a person not authorized by law to have an interest in the business;

"(11) made a false or misleading representation or statement in his original application or a renewal application;

"(12) habitually uses alcoholic beverages to excess, is mentally incompetent, or is physically unable to manage his establishment;

"(13) misrepresented any beer sold by him to a retailer or to the public;

"(14) knowingly sold or delivered beer to a person under 19 [18] years of age; or

"(15) purchased, possessed, stored, sold, or offered for sale beer in an original package bearing a brand or trade name of a manufacturer other than the brand or trade name of the manufacturer shown on the container."

SECTION 7. Subsections (c) and (d), Section 71.03, Alcoholic Beverage Code, are amended to read as follows:

"(c) The sale of beer by a holder of a retail dealer's off-premise license who also holds a package store permit is subject to the same restrictions and penalties governing the sale of liquor by package stores with regard to:

“(1) the hours of sale and delivery;  
“(2) blinds and barriers;  
“(3) employment of [~~or sales and deliveries to~~] persons under the age of 18 or sales and deliveries to minors;  
“(4) sales and deliveries on Sunday; and  
“(5) advertising.  
“(d) The sale of beer by a holder of a retail dealer's off-premise license who also holds a wine only package store permit is subject to the same restrictions and penalties governing the sale of liquor by package stores with regard to:

“(1) blinds and barriers;  
“(2) employment of [~~or sales and deliveries to~~] persons under the age of 18 or sales and deliveries to minors;  
“(3) delivery to the licensee or permittee on Sunday; and  
“(4) advertising.”

SECTION 8. Section 106.01, Alcoholic Beverage Code, is amended to read as follows:

“Section 106.01. DEFINITION. In this code [~~chapter~~], ‘minor’ means a person under 19 [~~18~~] years of age.”

SECTION 9. Subsection (b), Section 106.03, Alcoholic Beverage Code, is amended to read as follows:

“(b) A person who sells a minor an alcoholic beverage does not commit an offense if the minor falsely represents himself to be 19 [~~18~~] years old or older by displaying an apparently valid Texas driver's license containing a physical description consistent with his appearance for the purpose of inducing the person to sell him an alcoholic beverage.”

SECTION 10. Subsection (a), Section 106.07, Alcoholic Beverage Code, is amended to read as follows:

“(a) A minor commits an offense if he falsely states that he is 19 [~~18~~] years of age or older or presents any document that indicates he is 19 [~~18~~] years of age or older to a person engaged in selling or serving alcoholic beverages.”

SECTION 11. Subsection (a), Section 106.09, Alcoholic Beverage Code, is amended to read as follows:

“(a) Except as provided in Subsections (b) and (c) of this section, no person may employ a person under 18 years of age [~~minor~~] to sell, prepare, serve, or otherwise handle liquor, or to assist in doing so.”

SECTION 12. Subsection (c), Section 106.09, Alcoholic Beverage Code, is amended to read as follows:

“(c) A holder of a mixed beverage permit may employ a person under 18 years of age [~~minor~~] to work in any capacity other than the actual selling, preparing, or serving of mixed beverages.”

SECTION 13. Subsection (a), Section 106.12, Alcoholic Beverage Code, is amended to read as follows:

“(a) Any person convicted of not more than one violation of this code while a minor, on attaining the age of 19 [~~18~~] years, may apply to the court in which he was convicted to have the conviction expunged.”

SECTION 14. Subsection (a), Section 107.07, Alcoholic Beverage Code, is amended to read as follows:

“(a) A Texas resident may import not more than one quart of liquor for his own personal use without being required to hold a permit. A nonresident of Texas may import not more than a gallon of liquor for his own personal use without being required to hold a permit. A person importing liquor into the state under this subsection must pay the state tax on liquor and affix the required tax stamps. No person under the age of 19 [~~18~~] years and no intoxicated person may import any liquor into the state.”



SECTION 15. Section 109.53, Alcoholic Beverage Code, is amended to read as follows:

"Section 109.53. CITIZENSHIP OF PERMITTEE; CONTROL OF PREMISES; SUBTERFUGE OWNERSHIP; ETC. No person who has not been a citizen of Texas for a period of three years immediately preceding the filing of his application therefor shall be eligible to receive a permit under this code. No permit except a brewer's permit, and such other licenses and permits as are necessary to the operation of a brewer's permit, shall be issued to a corporation unless the same be incorporated under the laws of the state and unless at least 51 percent of the stock of the corporation is owned at all times by citizens who have resided within the state for a period of three years and who possess the qualifications required of other applicants for permits; provided, however, that the restrictions contained in the preceding clause shall not apply to domestic or foreign corporations that were engaged in the legal alcoholic beverage business in this state under charter or permit prior to August 24, 1935. Partnerships, firms, and associations applying for permits shall be composed wholly of citizens possessing the qualifications above enumerated. Any corporation (except carrier) holding a permit under this code which shall violate any provisions hereof, or any rule or regulation promulgated hereunder, shall be subject to forfeiture of its charter and it shall be the duty of the attorney general, when any such violation is called to his attention, to file a suit for such cancellation in a district court of Travis County. Such provisions of this section as require Texas citizenship or require incorporation in Texas shall not apply to the holders of agent's, industrial, medicinal and carrier's permits. No person shall sell, warehouse, store or solicit orders for any liquor in any wet area without first having procured a permit of the class required for such privilege, or consent to the use of or allow his permit to be displayed by or used by any person other than the one to whom the permit was issued. It is the intent of the legislature to prevent subterfuge ownership of or unlawful use of a permit or the premises covered by such permit; and all provisions of this code shall be liberally construed to carry out this intent, and it shall be the duty of the commission or the administrator to provide strict adherence to the general policy of preventing subterfuge ownership and related practices hereinafter declared to constitute unlawful trade practices. No applicant for a package store permit or a renewal thereof shall have authority to designate as 'premise' and the commission or administrator shall not approve a lesser area than that specifically defined as 'premise' in Section 11.49(a) of this code. Every permittee shall have and maintain exclusive occupancy and control of the entire licensed premises in every phase of the storage, distribution, possession, and transportation and sale of all alcoholic beverages purchased, stored or sold on the licensed premises. Any device, scheme or plan which surrenders control of the employees, premises or business of the permittee to persons other than the permittee shall be unlawful. No person under the age of 19 [18] years, unless accompanied by his or her parent, guardian, adult husband or adult wife, or other adult person into whose custody he or she has been committed for the time by some court, shall knowingly be allowed on the premises of the holder of a package store permit. The prohibition against the presence of a person under the age of 19 years on the premises of the holder of a package store permit does not apply to the presence on the premises of the holder or a person lawfully employed by the holder. Any package store permittee who shall be injured in his business or property by another package store permittee by reason of anything prohibited in this section may institute suit in any district court in the county wherein the violation is alleged to have occurred to require enforcement by injunctive procedures and/or to recover threefold the damages by him sustained; plus costs

of suit including a reasonable attorney's fee. The provision prohibiting the licensing of only a portion of a building as premise for a package store permit shall not apply to hotels as already defined in this code."

SECTION 16. Chapter 626, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5923b, Vernon's Texas Civil Statutes), is amended by adding Section 4 to read as follows:

"Section 4. To the extent that the Alcoholic Beverage Code conflicts with this Act, the code prevails."

SECTION 17. This Act does not affect the eligibility of a person who holds a license or permit on the effective date of this Act to continue to hold the license or permit and to continue to engage in the activities authorized by the license or permit until the expiration of the license or permit.

SECTION 18. This Act takes effect September 1, 1981.

SECTION 19. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Conference Committee Report was read.

#### **SENATE RULE 96(h) SUSPENDED**

On motion of Senator Sarpalius and by unanimous consent, Senate Rule 96(h) was suspended as it relates to the Conference Committee Report on S.B. 306.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 306 ADOPTED**

Senator Sarpalius called from the President's table the Conference Committee Report on S.B. 306. (The Conference Committee Report having been filed with the Senate and read on Wednesday, April 29, 1981.)

On motion of Senator Sarpalius, the Conference Committee Report was adopted.

#### **MOTION TO PLACE SENATE BILL 112 ON SECOND READING**

Senator Blake moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 112**, Relating to the payment of unemployment insurance benefits to substitute teachers for educational institutions. (Submitted by Governor as an emergency)

The motion was lost by the following vote: Yeas 20, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Andujar, Blake, Brown, Farabee, Glasgow, Harris, Howard, Jones, Leedom, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Wilson.

Nays: Brooks, Caperton, Doggett, Kothmann, Mauzy, McKnight, Parker, Truan, Uribe, Vale, Williams.

(President Pro Tempore Traeger in Chair)

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 979 ON SECOND READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 979**, Relating to venue in civil actions; revising Article 1995, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **C.S.S.B. 979** for consideration at this time.

The motion was lost by the following vote: Yeas 17, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Brooks, Caperton, Doggett, Farabee, Kothmann, Mauzy, McKnight, Meier, Ogg, Parker, Santiesteban, Snelson, Travis, Truan, Uribe, Vale, Williams.

Nays: Andujar, Blake, Brown, Glasgow, Harris, Howard, Jones, Leedom, Mengden, Richards, Short, Traeger, Wilson.

Absent: Sarpalius.

**COMMITTEE SUBSTITUTE SENATE BILL 677 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 677**, Relating to regulation of vendors of oil field equipment; providing penalties.

The bill was read second time and was passed to engrossment.

(President in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 677 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 677** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time.

Senator Glasgow offered the following amendment to the bill:

Amend **C.S.S.B. 677**, Section 3 by adding a new subsection (8) to read as follows:

“(8) the drivers license number of the seller or person who exchanges the materials.”

By unanimous consent, the amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed by the following vote: Yeas 31, Nays 0.

#### COMMITTEE SUBSTITUTE SENATE BILL 915 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 915**, Relating to continuation of the functions of the Texas Water Well Drillers Board and regulation of water well drillers.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.S.B. 915** as follows:

(1) On page 4, after line 14, by striking the proposed subsection (c) and inserting the following:

“(c) Three members must be representatives of the general public. A person is not eligible for appointment as a public member if the person or the person’s spouse:

“(1) is licensed by an occupational regulatory agency in the field of water well drilling;

(2) is employed by, participates in the management of, or has, other than as a consumer, a financial interest in, a business entity or organization related to the field of water well drilling; or

(3) owns, controls, or has, directly or indirectly, an interest in a business entity that provides water well drilling services or that sells, manufactures, or distributes water well drilling equipment.

(2) On page 4, after line 23, by adding new subsections (d), (e) and (f) as follows, and renumbering all sections accordingly:

“(d) a member of the Board, employee of the Board, or an employee of the department whose duties are related to the administration of this Act, may not be an officer, employee, or paid consultant of a trade association in the water well drilling field. A member of the Board, employee of the Board, or employee of the department whose duties are related to the administration of this Act, may not be related within the second degree by affinity or within the second degree by consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the regulated industry. A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9c, Vernon’s Texas Civil Statutes), may not serve as a member of the Board or act as counsel to the Board.

(e) It is ground for removal from the Board if a member:

(1) does not have at the time of appointment the qualifications required by Subsection (b) of this section for appointment to the Board;

(2) does not maintain during the service on the Board the qualifications required by Subsection (a) of this section for appointment to the Board; or

(3) violates a prohibition established by Subsection (d) of this section.

(f) If a ground for removal of a member from the Board exists, the Board's actions during the existence of the ground for removal are not invalid for that reason.

(2) On page 4, after line 63, by adding new subdivisions (3) and (4) and renumbering all sections accordingly:

(3) Within 30 days after the day on which a licensing examination is administered under this article, the department shall notify each examinee of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the department shall notify examinees of the results of the examination within two weeks after the day that the Board receives the results from the testing service. If the notice of the examination results will be delayed for longer than 90 days after the examination date, the department shall notify the examinee of the reason for the delay before the 90th day.

(4) If requested in writing by a person who fails the licensing examination administered under this article, the department shall furnish the person with an analysis of the person's performance on the examination as prescribed by Board rule.

(3) On page 6, after line 56, by adding a new subsection (d) and (e) as follows:

(d) The department shall keep an information file about each complaint filed with the department relating to a licensee.

(e) If a written complaint is filed with the department relating to a licensee, the department at least as frequently as quarterly, shall notify the complainant of the status of the complaint until its final disposition unless the notification would jeopardize an undercover investigation.

(4) On page 5, after line 30, by adding a new subsection (b) as follows and renumbering all subsections accordingly:

"(b) The board may not adopt rules restricting competitive bidding or advertising by a person regulated by the board except to prohibit false, misleading, or deceptive practices by the person. The board may not include in its rules to prohibit false, misleading, or deceptive practices by a person regulated by the board a rule that:

(1) restricts the person's use of any medium for advertising;

(2) restricts the person's personal appearance or use of his personal voice in an advertisement;

(3) relates to the size or duration of an advertisement by the person; or

(4) restricts the person's advertisement under a trade name.

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**RECORD OF VOTE**

Senator Howard asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 915 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 915 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Howard.

The bill was read third time and was passed.

**RECORD OF VOTE**

Senator Howard asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE SENATE BILL 813 ON SECOND READING**

On motion of Senator Meier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 813, Relating to the validity of construction contracts and related agreements.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 813 ON THIRD READING**

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 813 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 766 ON SECOND READING**

Senator Ogg moved to suspend the regular order of business to take up for consideration at this time:

S.B. 766, An Act providing for the incorporation, regulation, administration, and dissolution of not for profit health facilities development

corporations by cities, counties, and hospital districts for the public purpose of promoting and developing new, expanded, and improved health care and health care related facilities necessary for health care, research, and education; etc., and declaring an emergency.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Andujar, Brooks, Brown, Caperton, Glasgow, Harris, Kothmann, McKnight, Meier, Mengden, Ogg, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Uribe, Vale, Williams, Wilson.

Nays: Blake, Doggett, Farabee, Howard, Jones, Leedom, Mauzy, Santiesteban, Truan.

The bill was read second time.

Senator Ogg offered the following amendment to the bill:

Amend Section 4.10 of Senate Bill 766 to read as follows:

Section 4.10. Any health facility, including any leasehold estate therein, owned by a corporation which would otherwise be taxable to such corporation under the provisions of the Property Tax Code but for the purposes and non-profit nature of a corporation shall be assessed to the user of such health facility or, if more than one such user exists, to the users thereof in proportion to the value of the rights of such users to occupy, operate, manage, or employ such health facility, all to the same extent and subject to the same exemptions from taxation, if any, as if such health facility were owned by such user or users. The user of any health facility shall be considered to be the owner of such health facility for the purposes of the application of any sales and use taxes both in the construction of the health facility and any further sale, lease or rental of the health facility or any other taxes levied or imposed by this state or any political subdivision of this state. It is hereby declared as a matter of public policy that every corporation organized under the authority of this Act shall be engaged exclusively in the performance of charitable functions and shall be exempt from all taxation by this state and every municipal corporation and political subdivision hereof. All bonds issued by a corporation hereunder, their transfer, the interest thereon, and any profits from the sale or exchange thereof shall at all times be free from taxation by this state or any municipal corporation or political subdivision hereof.

The amendment was read.

Question - Shall the amendment be adopted?

**MOTION TO POSTPONE CONSIDERATION OF  
SENATE BILL 766**

Senator Truan moved that further consideration of S.B. 766 be postponed until the conclusion of Morning Call on Tuesday, May 5, 1981.

The roll call reflected the following vote: Yeas 17, Nays 14.

Yeas: Blake, Caperton, Doggett, Farabee, Howard, Jones, Leedom, Mauzy, Mengden, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Wilson.

Nays: Andujar, Brooks, Brown, Glasgow, Harris, Kothmann, McKnight, Meier, Ogg, Parker, Travis, Uribe, Vale, Williams.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.C.R. 99** - By Glasgow: Extending congratulations to Leon Breeden for his contributions to field of music.

**S.R. 558** - By Doggett: Extending congratulations to Louis M. Barrow.

**S.R. 559** - By Wilson: Extending welcome to visitors from India who are participating in the Rotary International Group Exchange Program.

**S.R. 560** - By Brown: Extending welcome to Betsy Sullivan.

#### **RECESS**

On motion of Senator Brooks the Senate at 12:30 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

#### **APPENDIX**

Sent to Governor  
(April 29, 1981)

**S.B. 50**  
**S.B. 758**

Sent to Comptroller  
(April 29, 1981)

**S.B. 322**

Signed by Governor  
(April 28, 1981)

**S.C.R. 94**

#### **SIXTIETH DAY**

(Continued)  
(Thursday, April 30, 1981)

#### **AFTER RECESS**

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Blake.

#### **LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 148**.



After suspending the regular order by unanimous consent, the following bills were read second time, amended where applicable, passed to engrossment, read third time and passed: (Sponsor, vote on Constitutional Three-Day Rule and final passage indicated after caption of each bill)

**H.C.R. 45** (Uribe) Granting the National Hispanic Institute permission to use the Chambers of the House of Representatives and Senate on June 18 and 19, 1982. (vv)

**H.C.R. 94** (Williams) Recognizing the Community of Aldine, Texas. (vv)

**H.B. 36** (Farabee) Relating to state and local government powers in regard to disaster prevention, preparedness, response, and recovery; providing a penalty. (31-0) (31-0)

**H.B. 286** (Traeger) Relating to the directors, financing, and fiscal year of the Maverick County Hospital District. (31-0) (31-0)

**H.B. 1409** (Traeger) Relating to authority to establish a foreign-trade zone at Eagle Pass. (31-0) (31-0)

**S.C.R. 82** (Ogg) Granting Larry Emerson permission to sue the State of Texas. (vv)

**C.S.S.B. 241** (Caperton) Relating to subdivision regulation by certain counties. (31-0) (31-0)

**C.S.S.B. 256** (Richards) Relating to the reporting of certain laboratory tests for sexually transmissible diseases. (31-0) (31-0)

**C.S.S.B. 257** (Richards) Relating to the confidentiality of information and reports concerning persons infected with or exposed to a sexually transmissible disease. (31-0) (31-0)

**C.S.S.B. 458** (Parker) Relating to the maximum property tax rate for a rural fire prevention district, and to the deannexation of the portion of a city that lies within a rural fire prevention district. (31-0) (31-0)

**C.S.S.B. 702** (Wilson) Relating to the sale, exchange, or transfer of one acre of land by the Board of Regents of the Texas A&M University System. (31-0) (31-0)

**S.B. 862** (Travis) Relating to the powers of the Bistone Municipal Water Supply District. (31-0) (31-0)

**S.B. 894** (Caperton) Relating to the lease of lands owned by or held for the benefit of certain state agencies. (31-0) (31-0)

**S.B. 999** (Glasgow) Relating to the jurisdiction of the County Court of Denton County and the transfer of cases between the county courts. (31-0) (31-0)

**C.S.S.B. 1016** (Parker) Relating to authority to establish a foreign-trade zone in the Port Arthur Customs District. (31-0) (31-0)

**S.B. 1131** (Truan) Relating to the compensation of the judges of the county courts at law in Nueces County. (31-0) (31-0)

**S.B. 1155** (Richards) Relating to the compensation of the judges of the district courts in Fort Bend County. (31-0) (31-0)

**S.B. 1194** (Caperton) Relating to the creation, establishment, administration, maintenance, operation, and financing of the Trinity Memorial Hospital District. (31-0) (31-0)

Senator Caperton offered the following committee amendment to the bill:

Amend **S.B. 1194** on page 20 by striking Section 17 and inserting a new Section 17 to read as follows:

**SECTION 17. BONDS AS INVESTMENTS.** (a) Bonds of the district, including bonds assumed by the district, are legal and authorized investments for:

- (1) banks;
- (2) savings banks;
- (3) trust companies;
- (4) savings and loan associations;
- (5) insurance companies;
- (6) fiduciaries;
- (7) trustees;
- (8) guardians; and
- (9) sinking and other public funds of the state, cities, towns, villages, counties, school districts, and other political subdivisions and public agencies of the state.

(b) Bonds of the district, including bonds assumed by the district, are eligible and lawful security for deposits of public funds of the state and public agencies, to the extent of the par or market value of the bonds, whichever is greater, when accompanied by any unmatured interest coupons appurtenant to the bonds.

The committee amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 1206** (Truan) Relating to the jurisdiction of the county courts at law in Nueces County. (31-0) (31-0)

**H.B. 275** (Sarpalius) Relating to public weighers; providing penalties. (31-0) (31-0)

**H.B. 939** (Snelson) Relating to authority to establish a foreign-trade zone at Del Rio. (31-0) (31-0)

**C.S.S.B. 437** (Mauzy) Relating to the appointment, compensation, powers, and duties of magistrates for district courts of Dallas County in certain criminal proceedings. (31-0) (31-0)

**C.S.S.B. 438** (Mauzy) Relating to the appointment and use of masters in certain district courts in Dallas County. (31-0) (31-0)

**S.B. 877** (Travis) Relating to county road administration in Dallas County. (31-0) (31-0)

**S.B. 904** (Uribe) Relating to providing a deadline for filing death certificates. (31-0) (31-0)

Senator Uribe offered the following committee amendment to the bill:

Amend Sec. 7 by substituting the word "tenth" in the place of the word "fifth" on page one, line 8.

The committee amendment was read and was adopted.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 905** (Uribe) Relating to the area of operation of regional housing authorities. (31-0) (31-0)

**S.B. 910** (Travis) Relating to increasing the maximum allowable interest rate which may be paid by a mutual insurance corporation. (31-0) (31-0)

**S.B. 934** (Sarpalius) Relating to the control of rodents and predatory animals. (31-0) (31-0)

**S.B. 949** (Mauzy) Relating to the circumstances under which a surety for a bail bond may surrender his principal. (31-0) (31-0)

**S.B. 972** (Brown) Relating to the duties of the local registrar to strictly enforce the provisions of the Act. (31-0) (31-0)

**S.B. 973** (Brown) Relating to the authority of the State Registrar of Vital Statistics and Local Registration Official to refuse to issue certified copies of birth, death or fetal death records; providing for notice to persons applying for such certified copies and an opportunity for a hearing. (31-0) (31-0)

**S.B. 1007** (Glasgow) Relating to the establishment of a juvenile board in Palo Pinto County. (31-0) (31-0)

**S.B. 1064** (Travis) Relating to the compensation of the county engineer of Limestone County. (31-0) (31-0)

**S.B. 1090** (Uribe) Relating to books and records of an insurance premium finance company. (31-0) (31-0)

**S.B. 1067** (Santiesteban) Relating to the sale, lease, or closure of public hospitals. (31-0) (31-0)

Senator Santiesteban offered the following committee amendment to the bill:

Amend Section 2(a) of **S.B. 1067** by substituting the following language:

"SECTION 2. SALE, LEASE, OR CLOSURE OF HOSPITAL. (a) the governing body of an incorporated city or town, county or hospital district by official action may order the sale, lease, or closure of all or any part of,

including real property, a hospital owned and operated by the political subdivision. The official action must include a finding by the governing body that the sale, lease, or closure is in the best interest of the residents of the political subdivision."

The committee amendment was read and was adopted.

Senator Santiesteban offered the following committee amendment to the bill:

Amend Section 7 of **S.B. 1067** by deleting the last paragraph of Section 4 of Article 4494 1, Vernon's Texas Civil Statutes.

The committee amendment was read and was adopted.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 1127** (Glasgow) Relating to expanding the state program for the purchase of goods and services of blind persons to include the purchase of goods and services of other severely disabled persons. (31-0) (31-0)

**S.B. 692** (Brown) Relating to the declaration of candidacy by a write-in candidate and posting of lists of the names of write-in candidates. (31-0) (31-0)

#### **BILL REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR**

The following bill was removed from the Local and Uncontested Bills Calendar:

Bill Number	Senators Objecting
<b>H.B. 742</b>	Blake, Richards

#### **MESSAGE FROM THE HOUSE**

House Chamber  
April 30, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 167**, Commending the Honorable Lila Cockrell, mayor of San Antonio.

**H.B. 254**, Relating to a sales tax exemption for medical appliances.

**H.B. 447**, Relating to the appointment and qualifications of the Commissioner of Human Resources.

**H.B. 521**, Relating to credit in the Employees Retirement System of Texas for certain service performed for a county child welfare board.

**H.B. 919**, Relating to the sale for cash of devices designed to extract brewery products from legal containers.

**H.B. 1143**, Relating to the administration and financing of a program to provide representation by counsel and transcription services for indigent defendants in criminal cases.

**H.B. 1167**, Relating to alternate jurors in capital cases.

**H.B. 1345**, Relating to expanding the state program for the purchase of goods and service of blind persons to include the purchase of goods and service of other severely disabled persons.

**H.B. 1466**, Relating to honoraria and appreciation benefits paid to public servants.

**H.B. 1572**, Relating to remote and drive-in/walk-up banking facilities.

**H.B. 1576**, Relating to the annual occupation tax on coin-operated machines that show motion pictures.

**H.B. 1629**, Relating to liability for damages resulting from a person eating certain donated food.

**H.B. 1695**, Relating to jail time being served during off-work hours and weekends.

**H.B. 1801**, Relating to the territory, powers, and financing of the Colorado River Municipal Water District, and the relationships of other persons and governmental entities with the district.

**H.B. 2153**, Relating to the issuance and execution of a search warrant and the disposition of the property seized.

The House has Tabled **H.B. 1111** by Washington, et al, relating to the authority of the Board of Pardons and Parole, by a Record Vote of 89 ayes, 58 noes, and 1 pnv.

The House has adopted a Conference Committee Report on **S.B. 306** by a Record Vote of 120 ayes, 26 nays, and 1 pnv.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.